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Date	August 16, 2005	Total Pages: 7
To:	U.S. Patent and Trademark Office	
Attn.:	Aaron P. Roane	
Facsimile No.:	571-273-8300	
From:	Jonathan A. Withrow	
Re:	Our Ref.: DERZ 2 00001	

COMMENTS

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Attorney Docket No.: DERZ 2 00001

AMENDMENT TRANSMITTAL LETTER

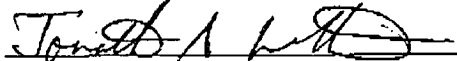
Ser. No.: 10/657,889	Filed: September 9, 2003	Examiner: Roane
Art Unit: 3739	Title: SURGICAL MARKER	

To the Commissioner for Patents:

Transmitted herewith is an *After Final Amendment* in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	Claims remaining after amendment		Highest Number Previously Paid For	No. of Extra Claims Present	Rate	Additional Rate
Total Claims	0	Minus	20	0	X \$25	\$0.00
Indep. Claims	2	Minus	3	0	X \$100	\$0.00
TOTAL					=	\$0.00
<input checked="" type="checkbox"/>	No additional fee is believed due however, if this is not the case, the Commissioner is hereby authorized to charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.					
<input type="checkbox"/>	Payment for the filing of the Amendment and/or any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.					
<input type="checkbox"/>	Applicant(s) hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a month extension of time to respond to the outstanding Office Action.					

Respectfully submitted,

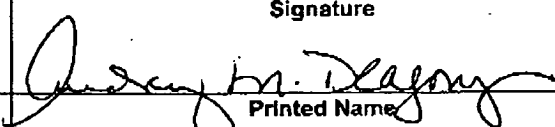
FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP


Scott A. McCollister, Reg. No. 33,961
Jonathan A. Withrow, Reg. No. 54,548
1100 Superior Avenue, Seventh Floor
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August 16, 2005
Date

CERTIFICATE OF MAILING

- I certify that this Amendment Transmittal Letter and accompanying documents are being
- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature
Date	 Printed Name
August 16, 2005	Audrey M. Dragony

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Arthur A. Tartaglia
TITLE : **SURGICAL MARKER**
APPLICATION NO. : 10/657,889
FILED : September 9, 2003
CONFIRMATION NO. : 2637
EXAMINER : Aaron P. Roane
ART UNIT : 3739
LAST OFFICE ACTION : May 17, 2005
ATTORNEY DOCKET NO. : DERZ 2 00001

Cleveland, OH 44114

AFTER FINAL AMENDMENT

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed May 17, 2005, on the above-referenced patent application, Applicant(s) respectfully request reconsideration of the application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.